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**MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN**

**BY:** John P. Gonzales, Esquire

Identification Number: # 71265

One Montgomery Plaza, Suite 1002

Norristown, PA 19401

(610) 292-4470

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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

DAVID C. JOHNSON, Pro Se

:

: No.: 02-CV-4874

v.

:

:

:

CHESTER COUNTY PRISON, SGT. RAGERI,

:

SGT. HOLMES, SGT. McMILLAN and

:

CO SADLER

**MOTION PURSUANT TO FED. R. CIV. P. 30 (a)(2) FOR PERMISSION TO DEPOSE  
PLAINTIFF**

Defendants, Sgt. Ruggieri, Sgt. Holmes, Sgt. McMillian and CO Sadler, by an through their undersigned counsel, Marshall, Dennehey, Warner, Coleman & Goggin and John P. Gonzales, Esquire, files this Motion pursuant to Fed. R. Civ. P. 30 (a)(2) to schedule the deposition of the plaintiff, David C. Johnson, who is currently residing at the State Correctional Institution in Greensburg, Pennsylvania and in support thereof avers the following:

1. Plaintiff commenced this action by filing a Complaint with the United States District Court for the Eastern District of Pennsylvania on or about August 16, 2002.
2. Plaintiff's Pro Se Complaint asserts claims for violations of his civil rights under 42 U.S.C. §1983 against Moving Defendants, Sgt. Ruggieri, Sgt. Holmes, Sgt. McMillian and CO Sadler. Plaintiff is currently incarcerated at SCI-Greensburg, R.D. 10, Box 10, Greensburg, PA 15601.

3. Defendants, Sgt. Ruggieri, Sgt. Holmes, Sgt. McMillian and CO Sadler, have spoken with the Prison Administration and informed them that we will need to depose Mr. Johnson.

4. Defendants respectfully request the court's permission to depose the Plaintiff at a date to be determined in July or August of 2003.

5. Fed. R. Civ. P. 30 (a)(2) requires a party to obtain Leave of Court to schedule the deposition of a person, including a party, who is confined in prison.

6. Defendants, therefore, file this Motion to obtain the Court's permission to schedule Plaintiff, David C. Johnson's deposition in accordance with Rule 30 (a)(2).

WHEREFORE, Defendants, Sgt. Ruggieri, Sgt. Holmes, Sgt. McMillian and CO Sadler, respectfully request that this Honorable Court permit Defendants to depose Plaintiff at a date to be determined in July or August of 2003 at the State Correctional Institution in Greensburg, Pennsylvania.

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN

BY: \_\_\_\_\_  
JOHN P. GONZALES, ESQUIRE  
Attorney for Defendants

DATE: \_\_\_\_\_

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DAVID C. JOHNSON, Pro Se

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CHESTER COUNTY PRISON, SGT. RAGERI,  
SGT. HOLMES, SGT. McMILLAN and  
CO SADLER

:  
: No.: 02-CV-4874  
:  
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:

**ORDER**

AND NOW this            day of            , 2003 upon consideration of the Motion to Permit the Deposition of Plaintiff pursuant to Fed. R. Civ. P. 30 (a)(2), and any response thereto, it is hereby ORDERED and DECREED that the Defendants' Motion is granted and Defendant is expressly permitted to depose the Plaintiff, David C. Johnson, at the State Correctional Institution in Greensburg, Pennsylvania some time in July or August of 2003.

BY THE COURT:

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J.

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CERTIFICATE OF SERVICE

I, JOHN P. GONZALES, ESQUIRE, being duly sworn according to law, hereby certify that the Motion Pursuant to Fed. R Civ. P. 30 (a)(2) for Permission to Depose Plaintiff was forwarded to the Plaintiff on the below listed date and was sent via first class mail, postage prepaid to the last known address of other parties or their representatives.

David C. Johnson  
Pro Se  
FB 9445  
GBG  
R.D. #10, Box 10  
Greensburg, PA 15601

MARSHALL, DENNEHEY, WARNER,  
COLEMAN & GOGGIN

BY: \_\_\_\_\_

JOHN P. GONZALES, ESQUIRE  
Attorney for Defendants

DATE: \_\_\_\_\_

